



Reprinted  
April 6, 2005

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# ENGROSSED

## HOUSE BILL No. 1098

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DIGEST OF HB 1098 (Updated April 5, 2005 4:19 pm - DI 97)

**Citations Affected:** IC 25-26.

**Synopsis:** Expired drug returns. Requires the board of pharmacy to establish procedures to ensure that pharmacies may return expired prescription drugs to drug wholesalers and manufacturers. Specifies information that the board must consider in establishing the procedures.

**Effective:** July 1, 2005.

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**Messer, Brown C, Brown T, Becker**  
(SENATE SPONSORS — DILLON, SIMPSON)

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January 6, 2005, read first time and referred to Committee on Public Health.  
January 25, 2005, reported — Do Pass.  
January 31, 2005, read second time, ordered engrossed. Engrossed.  
February 1, 2005, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Health and Provider Services.  
March 31, 2005, amended, reported favorably — Do Pass.  
April 5, 2005, read second time, amended, ordered engrossed.

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EH 1098—LS 6450/DI 97+



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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1098

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 25-26-13-4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board may:  
3       (1) promulgate rules and regulations under IC 4-22-2 for  
4       implementing and enforcing this chapter;  
5       (2) establish requirements and tests to determine the moral,  
6       physical, intellectual, educational, scientific, technical, and  
7       professional qualifications for applicants for pharmacists'  
8       licenses;  
9       (3) refuse to issue, deny, suspend, or revoke a license or permit or  
10      place on probation or fine any licensee or permittee under this  
11      chapter;  
12      (4) regulate the sale of drugs and devices in the state of Indiana;  
13      (5) impound, embargo, confiscate, or otherwise prevent from  
14      disposition any drugs, medicines, chemicals, poisons, or devices  
15      which by inspection are deemed unfit for use or would be  
16      dangerous to the health and welfare of the citizens of the state of  
17      Indiana; the board shall follow those embargo procedures found

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in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

**(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:**

**(A) has entered into a contract that accepts the return of expired drugs with; or**

**(B) is subject to a policy that accepts the return of expired drugs of;**

**a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board shall consider the cost of a drug and the purchase of a reasonable quantity of a drug by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza and medicine used for the treatment of malignant hyperthermia.**

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and



- 1 (2) the board sets forth in writing the reasons for a grant or denial  
2 of a temporary variance.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1098, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BECKER, Chair

Committee Vote: yeas 12, nays 0.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1098, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 23, delete "under which a" and insert "**before January 1, 2006, to ensure that a pharmacist:**

**(1) has entered into a contract with; or**

**(2) is subject to a policy that accepts the return of expired drugs of;**

**a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board shall consider the cost of a drug and the purchase of a reasonable quantity of a drug by a pharmacy. "**

Page 2, delete lines 24 through 25.

Page 2, delete lines 33 through 40.

and when so amended that said bill do pass.

(Reference is to HB 1098 as printed January 26, 2005.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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## SENATE MOTION

Madam President: I move that Engrossed House Bill 1098 be amended to read as follows:

Page 2, line 25, delete "(1)" and insert "**(A)**".

Page 2, line 25, after "contract" insert "**that accepts the return of expired drugs**".

Page 2, line 26, delete "(2)" and insert "**(B)**".

Page 2, block indent lines 28 through 33.

Page 2, line 33, after "pharmacy." insert "**The standards and procedures do not apply to vaccines that prevent influenza and medicine used for the treatment of malignant hyperthermia.**".

(Reference is to EHB 1098 as printed April 1, 2005.)

DILLON

